

IT'S UP TO YOU TO RESIST EXTORTION OF GAS TRUST

Judge Lacombe's Decision Is that 80 Cents Per
Thousand Is Legal Rate Until Courts
Decide on the Matter.

USE THIS FORM IN REFUSING TO PAY MORE THAN LEGAL RATE.

If you desire to take advantage of the 80-cent gas rate the following has been accepted by the legal committee of the Gas Consumers' League as a good form of letter of notification in case the collector refuses your tender of 80 cents per thousand feet:

..... Gas Company, of New York.

Gentlemen: The collector from your branch office at No. street has just presented my bill for gas, supplied by you, from and as he refuses to accept the legal rate of 80 cents per one thousand feet, I beg to advise you that I cannot pay the same until you are ready to receive my bill at the legal rate.

The amount involved is small, but the principle involved is the same as though the amount were in thousands of dollars.

I am ready and willing to pay my bill at the rate of 80 cents per one thousand feet, and have laid the amount aside for your collector, who can have the same on call at any time between A. M. and P. M. of any business day.

Very respectfully yours,

Members of the Gas Consumers' League are undoubtedly familiar with the text of the decision of Justice Lacombe in the 80-cent Gas law controversy printed in The Evening World yesterday. Although Justice Lacombe does not dissolve the injunction obtained by the Consolidated Gas Company and others restraining public officers of the State and city from enforcing or attempting to enforce the law making the rate 80 cents, he upholds a contention that led to the formation of the Gas Consumers' League, namely, that 80 cents is the legal price for gas until the constitutionality of the law is finally settled.

Whether or not to pay 80 cents or a dollar per thousand feet is a matter for the consumer to settle with himself. Justice Lacombe plainly says he cannot be compelled to pay the old rate. Here is the situation:

You may pay at the dollar rate, and the gas company will place the 80 cents excess with the consumer. If you do not, and returned if the constitutionality of the law is upheld.

You may tender the gas company the amount of your bill at the 80-cent rate, and if the constitutionality of the law is eventually upheld you will be liable at that time for the 20 cents excess. The company has a right to refuse to accept your 80-cent tender, but has no right to turn off your gas.

Law Stands as It Reads.

Justice Lacombe's finding on this point was surprisingly liberal to laymen. It was believed he would grant the request of the gas companies to 80 extend the injunction as to declare one dollar the legal rate and enforce the payment of bills at that figure. Here is his language on the subject:

"In entering that order the court did not find, nor did it express, nor even intimate an opinion that the action of the Gas Commission in fixing the price for gas at 80 cents per one thousand cubic feet was confiscatory, nor that the act of the Legislature establishing the same price (Chap. 125 of 1905) was in that respect unconstitutional and void. It did not undertake

to abrogate or nullify that provision of the statute. As between the consumer and the manufacturer it left the question as to what the former should pay to the latter precisely where it stood before. Any consumer who might be asked to pay the old rate was left by the order entirely free to decline to pay it and to make a tender at the new rate for the gas he had consumed."

Judge Lacombe goes on to explain that the order did provide that the gas company might charge or demand payment at the old rate and might collect at that rate from such as choose to pay it. In refusing to charge upon this provision of the original order Justice Lacombe allows it to stand just as it appears in the language quoted from his opinion above.

STOCKS CLOSE WITH LEADERS LOSERS

List Sagged from the Start and
Some Prominent Issues
Sharply Cut.

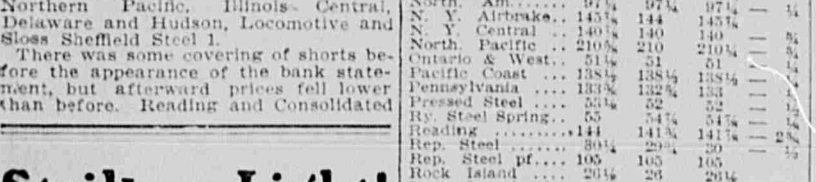
Stocks at the opening of the market today pursued a downward course with only a few exceptions, the most conspicuous of which was Delaware and Hudson with a rise of a point. The declines generally were small except in some of the prominent speculative favorites. Anaconda ran off 1 3/4. Great Northern preferred and Smelting 1-1/2. Consolidated Gas a point, and Union Pacific, Colorado Fuel and General Electric large fractions.

There was a slight improvement later, but the gains were not held, the list sagging back in slow trading.

The pressure against the market was increased when the bears discovered that the decline was not bringing in buying orders for gas at 80 cents per one thousand cubic feet. The weakness was not centralized, most of the representative stocks yielding readily when pressure began. Colorado Fuel preferred dropped 5, Lincoln 1-1/2, Colorado Fuel 1-1/4 and Union Pacific, Northern Pacific, Illinois Central, Delaware and Hudson, Locomotive and Sloss Sheffield Steel 1.

There was some covering of shorts before the appearance of the bank statement, but afterward prices fell lower than before. Reading and Consolidated

Strike a Light!



If a thorough search failed to disclose the whereabouts of your lost watch, pin, ring, pocketbook, &c., it's pretty safe to presume that your missing property has fallen into the possession of somebody else.

ALMOST EVERY FINDER OF LOST ARTICLES READS SUNDAY WORLD "LOST AND FOUND" ADS.

Children's Day a Great Success.

The first School Children's Day on Saturday last was a great success. The children were thronged with happy, laughing children, enjoying the afternoon. They possessed one of the school children's tickets distributed by the North Branch Amusement Company.

Every Saturday will be School Children's Day during the month of June.

MISSING CHILD, IT IS FEARED, HAS BEEN KIDNAPPED.



Five-Year-Old Benny Richter
Disappears While Playing
on Street.

The police of the city are looking for five-year-old Benny Richter, who has been missing from his home, at No. 10 East One Hundred and Twenty-second street, since yesterday afternoon. His parents are frantic with grief and fear that their son has been kidnapped. He was last seen walking toward the river, which is about five blocks away from his home.

Benny Richter, father of the missing boy, keeps a tea and coffee store at No. 233 Third avenue. He is working with the detectives on the case.

Benny was a school yesterday, but he played around the front of the house all afternoon. When his mother went to call him he had disappeared. Some of the neighbors say they saw him about an hour before he was missed.

He is a very thin child and has blue eyes and red hair. He was dressed in a blue waist, black pants, stockings and shoes.

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TO CARE FOR BOYS LOST AT CONEY

Wealthy Brooklyn Men Establish Relief Station for Lads
Who Go Broke There.

Henry MacLachry, backed by several wealthy men of Brooklyn, has opened a big tent on West Eighth street, near Surf avenue, Coney Island, for the reception of youths who have found their way to the island and lost their way home.

The object of the tent is to save boys from a life of crime by moral suasion. The tent contains about twenty cots, a cooking outfit and a telephone. Should a boy steal the fare to Coney from his mother and be afraid to go home, he is lodged and fed for the night and his parents notified where he is. He then is held until the arrival of guardians and turned over to them. If a young man spends all his money he can get fare, food or a meal. Several applicants have been at the tent and have got their fare.

MacLachry's interest in this class of "gentle boys" dates to the time when he was a boy. He was once himself a penniless and afraid to go home because of a fear that something which he had done caused his mother to bear resentment toward him. He tramped from his home in Flatbush all the way to the Pacific Coast. When on tour he learned the vernacular and habits of his companions on the long trail, and the experiences instilled in him a desire to help others in his predicament.

When he reached San Francisco MacLachry got work and raised enough money to go through the University of California, taking a special course in sociology and economics. Since his return to Brooklyn, about a year ago, he has been lecturing on these topics, illustrating them by his own experiences.

Associated with him in the enterprise are Gardner Matthews, of the firm of A. D. Matthews; Darwin Meserole, of the Co-operative Law Company; Edward Mayhew, auditor of the Brooklyn Savings Bank; Paul Graef and other prominent men who are interested in the work of reclaiming youngsters who have gone astray.

WHEAT WEAKENED ON PROFIT TAKING.

Wheat weakened in the early market today through the efforts of holders to get profits and on a poor response to cables.

Corn fell with wheat, the selling being quite heavy.

New York's opening prices were: Wheat—July, 89 5/8; September, 88 3/4; December, 87 1/2. Chicago's opening prices were: Wheat—July, 83 3/4 to 85 1/2; September, 83 to 84 1/2; December, 81 1/2 to 83 1/2. Corn—July, 51 1/2 to 53 1/2; September, 51 1/2 to 53 1/2; December, 49 1/2 to 51 1/2.

COTTON COVERING KEEPS PRICES UP.

Trading in the cotton market early today was rather light. The price at Liverpool still being closed. The tone was steady, with prices unchanged to 1 point higher. After the call late months rose 2 to 3 points on scattered covering.

The closing prices were: June, 15 1/2 to 16 1/2; July, 16 1/2 to 17 1/2; August, 16 1/2 to 17 1/2; September, 16 1/2 to 17 1/2; October, 16 1/2 to 17 1/2; November, 16 1/2 to 17 1/2; December, 16 1/2 to 17 1/2; January, 16 1/2 to 17 1/2; February, 16 1/2 to 17 1/2; March, 16 1/2 to 17 1/2.

NEAR ROBBERY OF ALL NIGHT BANKER

Was Counting His Roll at 2
A. M. on Doorstep When
Attacked.

Edward Higgins sat down on the doorway of his home, No. 184 Park avenue, at 2 A. M. to-day to count his money. He is engineer in a day building building and had been paid his wages yesterday. When he picked that spot and the hour to make his calculations he does not explain, being a trifle hazy at the time. While engaged in this pleasant pastime two rough-looking young men slammed Mr. Higgins over the head and grabbed at his roll, causing him to yell loudly.

The two, pursued by Policeman Miller, of the East One Hundred and Fourth Street Station, and John Taggart, of Park avenue and One Hundred and Fifteenth street, ran two blocks, where they were overhauled. They put up a vigorous tussle in which the policeman's nightstick did so much damage to the head of one that it had to be bandaged by an ambulance surgeon.

At the police station they gave their names as Charles Clark, twenty-three years old, of No. 115 East One Hundred and Fourth street, and John Doran, twenty-two years old, of No. 5 East One Hundred and Fourteenth street.

Taggart went back to the stop where Higgins had been sitting when he was attacked. There Taggart found the torn ends of three \$5 bills. He took these to the station, where Higgins, much dazed by the blows and other things, was unable to give the police any assistance.

Before Magistrate Baker, in Harlem Court, Higgins produced the missing parts of the \$5 bills and said he remembered stuffing them in his sock. He didn't remember the prosecution, but was held in \$2,000 each for examination Monday. Higgins was fined \$5 for intoxication.

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BERNHARDT'S RETURN NEXT WEEK'S FEATURE

The moribund theatrical season will be for the moment galvanized into a semblance of life next week by the return of Sarah Bernhardt to the Lyric Theatre.

After a tempestuous road season in tents, skating rinks, town halls and other weird auditoriums, the diva will play here a brief farewell engagement of three performances. On Tuesday night a pot-pourri of acts from her repertoire will include Act II of "Hamlet" (which she has not rendered in New York for some years), the second act of "La Traviata" and "Frou-Frou." Act IV of "La Traviata" at Wednesday's matinee "Camille" will be given, while Wednesday evening's performance will be a repetition of Tuesday's "The Man on the Box," which is running at the Lyric, will be laid off during the three-performance Bernhardt engagement and will be resumed the following evening.

The third week of the Sothern-Marlowe popular prize Shakespearean revival at the Academy of Music will be given over to two plays, "The Taming of the Shrew" and "A Trip to the Moon." The closing attraction of the season at the Grand Opera House will be "The Merchant of Venice."

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The trial by court-martial of Capt. Robert J. Wynne, of the Marine Corps, for disobedience of orders was concluded today at the Brooklyn Navy-Yard. Surgeon Decker, of the Alabama, who has been on duty in the same ship with Capt. Wynne, was recalled to the stand at the opening of the proceedings.

Dr. Decker repeated his testimony given on another occasion, that he believed Capt. Wynne to be irresponsible for his acts. This opinion, he said, he had held for the last three or four weeks. He said he had not noticed any particular change since last October, but that the effects of a sunstroke would naturally become more pronounced with the lapse of time in such a case as that of Capt. Wynne.

Not Qualified, He Said.

"I believe," said Dr. Decker in answer to a question, "that the accused is not mentally or morally qualified to exercise or perform the duties of an officer of the navy."

The prosecution rested here. Lieut. Theall, retired, counsel for Capt. Wynne, said he had no additional testimony to offer in defense, but asked permission to read a statement prepared by the accused. After a secret session it was announced that the statement might be read, and Lieut. Theall read it.

Capt. Wynne asserted in his statement that since his sunstroke in China six years ago he has been very irritable and prone to lose his temper on the slightest provocation. On the morning he is accused of having refused to obey a call to quarters he overslept and was shaving when the call reached him. He refused to go, and when a subordinate officer with two guards was sent to drag him to the deck he became so enraged and infuriated that he lost his head.

Capt. Wynne declared that Lieut. Commander Bryan, who presided over the court, is prejudiced against him. He said at length his record in Cuba, the Philippines, China and Panama and asked for an acquittal.

Asks for Clemency.

Lieut. Theall followed with a short recital of the charges against him, asserting that any officer of the navy with red blood in his veins would not exactly "lose his head." He also pleaded that Capt. Wynne, because of sunstroke suffered in the discharge of his duty, is mentally and morally irresponsible. He asked the court to grant clemency.

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NEAR ROBBERY OF ALL NIGHT BANKER

Edward Higgins sat down on the doorway of his home, No. 184 Park avenue, at 2 A. M. to-day to count his money. He is engineer in a day building building and had been paid his wages yesterday. When he picked that spot and the hour to make his calculations he does not explain, being a trifle hazy at the time. While engaged in this pleasant pastime two rough-looking young men slammed Mr. Higgins over the head and grabbed at his roll, causing him to yell loudly.

The two, pursued by Policeman Miller, of the East One Hundred and Fourth Street Station, and John Taggart, of Park avenue and One Hundred and Fifteenth street, ran two blocks, where they were overhauled. They put up a vigorous tussle in which the policeman's nightstick did so much damage to the head of one that it had to be bandaged by an ambulance surgeon.

At the police station they gave their names as Charles Clark, twenty-three years old, of No. 115 East One Hundred and Fourth street, and John Doran, twenty-two years old, of No. 5 East One Hundred and Fourteenth street.

Taggart went back to the stop where Higgins had been sitting when he was attacked. There Taggart found the torn ends of three \$5 bills. He took these to the station, where Higgins, much dazed by the blows and other things, was unable to give the police any assistance.

Before Magistrate Baker, in Harlem Court, Higgins produced the missing parts of the \$5 bills and said he remembered stuffing them in his sock. He didn't remember the prosecution, but was held in \$2,000 each for examination Monday. Higgins was fined \$5 for intoxication.

RUSSIAN CABINET OUT, ST. PETERSBURG HEARS.

ST. PETERSBURG, June 9.—P. M.—The Bourgeois Gazette to-day prints a statement that the Goremkyin Ministry resigned yesterday evening. No confirmation of the report is obtainable at this hour.

ODESSA, June 9.—It is learned on high authority that it is improbable that the resignation of the Russian Cabinet Prince Sviatopolk-Mirsky may resume the portfolio of the Interior. The appointment of a new minister is undoubtedly already in the air.

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